

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA

VS.

MICHAEL CLEMENCE

Case No. 21-cr-00099-LM

GOVERNMENT'S ASSENTED-TO MOTION FOR PROTECTIVE ORDER

The United States of America, by and through Kasey A. Weiland, Assistant United States Attorney, hereby moves this Honorable Court for an order protecting the disclosure of certain evidence included within the United States' discovery in this case. In particular, the United States seeks to protect the disclosure of a forensic interview conducted of the minor E.C. In support thereof, the United States submits as follows:

1. The Court has the authority to regulate discovery and to grant protective orders pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure.
2. As a part of its investigation in this case, the United States received an audiovisual recording of a forensic interview conducted with 3-year-old E.C.
3. The United States seeks an order of the Court to protect the use, disclosure, and dissemination of the evidence described in Paragraph 2 above. The United States respectfully requests that the Court enter an order providing that the disclosure of the forensic interview pertaining to E.C. be subject to the following conditions and restrictions:

- a. that the materials provided are for the sole use of the defense team in preparing for the defense of this case and shall not be copied, reproduced, or otherwise disseminated to third parties, or used for any other purpose or in connection with any other proceedings; and,
 - b. that upon conclusion of the instant litigation, defense counsel is ordered to return to the United States, or alternatively, to destroy, any and all physical and electronic copies of the forensic interview.
 - c. For purposes of this motion and any resulting order, “defense team” means defense counsel, defense counsel’s staff, and anyone directly engaged by defense counsel to assist in preparing and presenting a defense in this case including interpreters, translators, expert witnesses, private investigators, and any other professional consultants participating in the defense. The defense team shall not provide a copy of the CAC interview to the defendant, but may provide it to any member of the defense team and any member of the defense team may review it with the defendant.
4. The United States has consulted with Mr. John Newman, Esq., counsel for the defendant, who assents to the instant motion.

WHEREFORE, the United States prays that the Court grant its Motion for a Protective Order and restrict the disclosure of the forensic interview of E.C. in the manner set forth above.

Respectfully submitted this the 6th day of July, 2021.

JOHN J. FARLEY
Acting United States Attorney

/s/ Kasey A. Weiland
Kasey A. Weiland
Assistant United States Attorney

CERTIFICATE OF SERVICE

I, Kasey A. Weiland, Assistant United States Attorney for the District of New Hampshire, hereby certify that a copy of the foregoing document has been filed and served upon Mr. John P. Newman, Esq., counsel for Defendant, via the Court's electronic case-filing system.

/s/ Kasey A. Weiland

Kasey A. Weiland

Assistant United States Attorney